



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

March 30, 2022

Via E-mail and USPS

██████████ ██████████
Wagstaff Media & Marketing
5443 Fountain Avenue
Los Angeles, CA 90029
██████████

Re: Obligation of Wagstaff Media & Marketing to Register under the Foreign Agents Registration Act

Dear ██████████:

Based upon information reviewed by this office, we have determined that Wagstaff Worldwide, Inc., dba Wagstaff Media & Marketing (“Wagstaff”), is obligated to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”). Wagstaff’s obligation arises from its engaging in political activities and acting as a public relations counsel, publicity agent, and information-service employee within the United States for the Italian National Tourist Board, Promote Iceland, the South Australian Tourist Commission, Tourism Western Australia, the Royal Commission for Al-Ula County, Visit Denmark, and Visit Sweden (collectively, “foreign government tourist agencies”), all foreign principals under the Act.

I. Background

On September 1, 2021, the FARA Unit sent a letter to Wagstaff seeking information and documents to assist it in determining whether Wagstaff had an obligation to register under FARA for activity undertaken on behalf of various government-controlled tourism agencies. Wagstaff responded to our inquiry on December 15, 2021 (“December 15 Letter”), and provided a complete list of clients, along with contracts and agreements between Wagstaff and clients who had retained Wagstaff’s services since January 1, 2020, and who Wagstaff believed might fall within FARA’s definition of foreign principal.¹

II. Foreign Agents Registration Act

FARA requires agents of foreign principals engaged in specified activities to register with the Department of Justice and to provide certain disclosures. *See* 22 U.S.C. §§ 611(c) and 612. The purpose of FARA is to inform the American public of the activities of agents working for foreign principals to influence U.S. Government officials or the American public about the

¹ Letter from ██████████ ██████████, Wagstaff Media and Marketing, to Jennifer K. Gellie, Chief, FARA Unit (Dec. 15, 2021). Copies of contracts and agreements with each of the clients mentioned in the December 15, 2021, letter were provided to the FARA Unit through a link to a Drop Box storage site.

domestic or foreign policies of the United States, or about the political or public interests, policies, or relations of a foreign country or a foreign political party.

The term “foreign principal” includes a “government of a foreign country,” “a foreign political party,” and “a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” 22 U.S.C. § 611(b).

The specified activities of a foreign agent that require registration and disclosure are defined by statute and regulation. As relevant here, an “agent of a foreign principal” is defined as “any person who acts as an agent . . . or . . . in any other capacity at the order, request, or under the direction or control” of a “foreign principal” and “who directly or through any other person engages within the United States in political activities for or in the interests of such foreign principal” or who “acts within the United States as a . . . public relations counsel, publicity agent, [or] information-service employee . . . for or in the interests of such foreign principal.” 22 U.S.C. § 611(c)(1)(i), (ii).

The terms “political activities,” “public relations counsel,” “publicity agent,” and “information-service employee,” are further defined by statute. First, FARA defines “political activities” as:

any activity that the person engaging in believes will or *that the person intends to in any way influence* any agency or official of the Government of the United States or *any section of the public within the United States* with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies of a government of a foreign country or a foreign political party.

22 U.S.C. § 611(o) (emphasis added). Second, FARA defines “public relations counsel” to include “any person who engages directly or indirectly in informing, advising, or in any way representing a principal in any public relations matter pertaining to political or public interests, policies, or relations of such principal.” 22 U.S.C. § 611(g). Third, FARA defines a “publicity agent” to include “any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of . . . broadcasts, motion pictures, or otherwise.” 22 U.S.C. § 611(h). And, fourth, an “information-service employee” is defined to include any person “who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions or any country other than the United States or of any government of a foreign country or of a foreign political party” 22 U.S.C. § 611(i).

III. Basis for Wagstaff to Register Under FARA

Determining whether a party is an “agent of a foreign principal” required to register under FARA is a two-part inquiry that considers both the *relationship* between the agent and the

foreign principal and the *activities* the agent performs in the principal's interests. 22 U.S.C. § 611(c).

A. The Government-Controlled Tourism Agencies² Are All Foreign Principals Under FARA

The **Italian National Tourist Board** (Ente Nazionale Italiano per il Turismo – Agenzia Nazionale Turismo), is a part of the Government of Italy's Ministry of Tourism and Entertainment.³ Thus, it falls within the definition of foreign principal under FARA which defines "foreign principal" to include "a government of a foreign country."⁴ 22 U.S.C. § 611(b)(2).

Promote Iceland is described in your December 15 Letter as an Icelandic agency in charge of promoting Iceland worldwide as a tourist destination.⁵ Promote Iceland is currently listed as a foreign principal in the FARA registration of Media Planning International Corporation (Reg. No. 6621), which describes Promote Iceland as being a part of the Government of Iceland's Ministry of Industries and Innovation.⁶ Thus, it falls within the definition of foreign principal under FARA which defines "foreign principal" to include "a government of a foreign country." 22 U.S.C. § 611(b)(2).

South Australian Tourism Commission is an agency of the State of South Australia, a state in the Commonwealth of Australia.⁷ Thus, it falls within the definition of foreign principal under FARA which defines "foreign principal" to include "a government of a foreign country." 22 U.S.C. § 611(b)(2).

The **Royal Commission for Al-Ula County** is an agency established by the Kingdom of Saudi Arabia to promote tourism to historic sites in and around Al-Ula.⁸ Thus, it falls within the definition of foreign principal under FARA which defines "foreign principal" to include "a government of a foreign country." 22 U.S.C. § 611(b)(2).

² This letter only addresses government-controlled tourism agencies with whom Wagstaff has an agency relationship under FARA. Wagstaff is not required to register under FARA, or is exempt, for activities undertaken on behalf of privately-owned and controlled hospitality entities.

³ The New York office, known as the Italian National Tourist Board, has been registered under FARA since 1949 (Reg. No. 568), https://efile.fara.gov/ords/fara/f?p=1381:200:8907349160531:::RP,200:P200_REG_NUMBER:568.

⁴ Under FARA, "the term 'government of a foreign country' includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which sovereign de facto or de jure authority or functions are directly or indirectly delegated." 22 U.S.C. § 611(e).

⁵ See also, <https://promoteiceland.org/> (promoting Visit Iceland as "the official destination marketing office for Iceland").

⁶ <https://efile.fara.gov/docs/6621-Exhibit-AB-20201008-3.pdf>.

⁷ <https://www.tourism.sa.gov.au/>.

⁸ December 15 Letter, p.3. <https://www.rcu.gov.sa/en>.

Tourism Western Australia is the trade name for the Western Australian Tourism Commission, an agency of the State of Western Australia, a state in the Commonwealth of Australia.⁹ Thus, it falls within the definition of foreign principal under FARA which defines “foreign principal” to include “a government of a foreign country.” 22 U.S.C. § 611(b)(2).

VisitDenmark is the Official Tourism Organization of Denmark and is part of the Government of Denmark.¹⁰ **VisitDenmark** receives annual funding from The Ministry of Business and Growth to promote Denmark as a tourist destination.¹¹ Thus, it falls within the definition of foreign principal under FARA which defines “foreign principal” to include “a government of a foreign country.” 22 U.S.C. § 611(b)(2).

Visit Sweden AB is an agency of the Government of Sweden’s Ministry of Trade and Industry.¹² Thus, it falls within the definition of foreign principal under FARA which defines “foreign principal” to include “a government of a foreign country.” 22 U.S.C. § 611(b)(2).

B. Wagstaff is an Agent of the Foreign Government Tourist Agencies

Agency under the FARA occurs when a person acts, *inter alia*, “at the order, request, or under the direction or control of a foreign principal.” 22 U.S.C. § 611(c)(1). FARA’s implementing regulations further define “control” to include “the possession or exercise of the power, directly or indirectly, to determine the policies or the activities of a person, whether through the ownership of voting rights, by *contract*, or otherwise.” 28 C.F.R. § 5.100(b) (emphasis added.). Wagstaff has entered into specific contracts with each of the Foreign Government Tourist Agencies to perform covered activities on behalf of the six foreign principals.

A summary of the contracts are as follows:

- A one-year contract commencing September 15, 2020, between Wagstaff and the Italian National Tourist Board in which Wagstaff agrees to provide public relations

⁹ https://www.tourism.wa.gov.au/Pages/welcome_to_tourism_western_australia.aspx#/. Letter from [REDACTED] Tourism Western Australia, to [REDACTED], Wagstaff Worldwide Public Relations, Inc. (June 30, 2017). The Western Australian Tourism Commission was identified as a foreign principal in the FARA registration of Australian American Public Relations, Inc. (Reg. No. 4113) from April 4, 1988, to July 19, 1994. Available at <https://efile.fara.gov/docs/4113-Exhibit-AB-19880404-D1K6X102.pdf>.

¹⁰ In instances when a foreign government tourism office has an office in the United States, the domestic office may register under FARA. The New York office of VisitDenmark and its predecessor agency, the Danish Tourist Board, have been registered under FARA since July 1, 1950 (Reg. No. 634). Available at https://efile.fara.gov/ords/fara/f?p=1381:200:10859223068035:::RP,200:P200_REG_NUMBER:634

¹¹ <https://efile.fara.gov/docs/634-Exhibit-AB-20130207-1.pdf>.
https://efile.fara.gov/ords/fara/f?p=1381:200:2332094254528:::RP,200:P200_REG_NUMBER:634

¹² The U.S. office of Visit Sweden, Inc., and its predecessor, the Swedish Travel and Tourism Council (foreign principal Sveriges Rese-och Turistrad A.B.), have been registered under FARA since January 1, 1994 (Reg. No. 4885). Available at https://efile.fara.gov/ords/fara/f?p=1381:200:4499605604257:::RP,200:P200_REG_NUMBER:4885.

services to the Tourist Board in return for a monthly payment of \$8,000.¹³ Among the services to be provided are: writing and disseminating press releases; developing and pitching story ideas; or, disseminating other relevant news or press materials to media outlets. Wagstaff also engaged in planning and buying media coverage in support of the Tourist Board's media efforts in the United States market to promote Italian tourism.¹⁴

- A one-year contract commencing January 1, 2021, between Wagstaff and Promote Iceland in which Wagstaff agrees to provide public relations services to Promote Iceland in exchange for payments of \$7,500 per month plus costs. Among the services to be provided would be publicizing Promote Iceland's four key pillars (sustainability, people, nature, and innovation) while highlighting the following segments: energy and green solutions; tourism; seafood; creative industry; innovation and tech; and, specialty foods and national products through proactive and reactive media relations, press trips, and individual visits.¹⁵ Wagstaff is also committed to organizing and coordinating press trips for U.S.-based journalists to Iceland and drafting press releases promoting Iceland.¹⁶
- A one-year renewable contract commencing July 1, 2018, between Wagstaff and the South Australian Tourism Commission in which Wagstaff agrees to provide marketing and public relations services in the North American market designed to raise the profile of South Australia as a tourist destination in exchange for a monthly payment of \$30,500.¹⁷ Wagstaff agreed in the contract to provide services in support of promoting South Australian tourism in the areas of consumer marketing, trade marketing, public relations, social media and content, advocacy, and marketing support.¹⁸
- A three-year contract commencing September 20, 2021, between Wagstaff and the Royal Commission for Al-Ula County in which Wagstaff agrees to provide promotion services in the United States to create demand to visit Al-Ula in

¹³ Letter Agreement for Public Relations and Marketing Services from [REDACTED] to [REDACTED], ENIT – Agenzia Nazionale Turismo, P. IVA, (September 14, 2021), (00000033-00000039).

¹⁴ *Id.*

¹⁵ Letter Agreement for Public Relations Services from [REDACTED] to [REDACTED], Promote Iceland (November 25, 2020), (00000055-00000060).

¹⁶ *Id.*

¹⁷ Standard Goods and Services Agreement between the South Australian Tourism Commission and Wagstaff Worldwide Public Relations, Inc., (July 19, 2018), (00000082-00000100).

¹⁸ *Id.* at Attachment 5. (00000092-00000094). Wagstaff is identified at the U.S. office of the South Australian Tourism Commission on the website of the Coalition of Australian States and Territories North America (COAST), <https://coastnorthamerica.com/tourism-office/south-australian-tourism-commission-information/>.

exchange for payments made according to a schedule of services.¹⁹ The services to be provided by Wagstaff focus on media events and building brand awareness to attract high value tourists.²⁰

- A two-year renewable contract commencing July 1, 2017, between Wagstaff and the Western Australian Tourism Commission in which Wagstaff agrees to provide marketing and public relations representation services in the United States for the Tourism Commission in exchange for a monthly fee of \$27,750.²¹
- A six-month contract commencing January 1, 2021, between Wagstaff and VisitDenmark in which Wagstaff agrees to provide public relations services to VisitDenmark in exchange for a fee of \$15,000.²² In support of the contract, Wagstaff agrees to invite and secure media for press trips in collaboration with Icelandic Air and the opening of the Hans Christian Andersen Museum.²³
- A seven and a half-month contract commencing April 14, 2021, between Wagstaff and VisitSweden in which Wagstaff agrees to provide public relations services in the United States to VisitSweden in exchange for a monthly fee of \$3,000.²⁴ In the contract, Wagstaff agreed to provide proactive media relations to secure U.S. media coverage of VisitSweden's 2021 initiative.²⁵

C. Wagstaff Engages in Political Activities and Acts as Public Relations Counsel, a Publicity Agent, and an Information-Service Employees for its Foreign Principals

As noted above, FARA requires registration of parties whose activities are “for or in the interests of” foreign principals with whom there is an agency relationship and whose activities are “political or border on the political.”²⁶ To that end, the Act sets out categories

¹⁹ Service Framework Agreement between The Royal Commission for AIUla and Wagstaff Worldwide Public Relations, Inc., (June 11, 2021), (00000213-00000262).

²⁰ *Id.*

²¹ Letter from [REDACTED] *supra*. December 15 Letter, p. 3. The actual contract between Wagstaff and the Western Australia Tourism Commission has not been provided to the FARA Unit. However, the December 15 Letter describes the mission of the Western Australian Tourism Commission as promoting Western Australia worldwide as a tourist destination and Wagstaff commits to growth targets in tourist visits to Western Australia. December 15 Letter, p. 3.

²² Letter Agreement from [REDACTED] D [REDACTED] to [REDACTED] [REDACTED] VisitDenmark (February 24, 2021), (00000276 – 00000281).

²³ *Id.*

²⁴ Letter Agreement from [REDACTED], Director of Contracts & Administration, Wagstaff Worldwide, Inc., to [REDACTED] [REDACTED], VisitSweden (April 15, 2021), (00000282 – 00000287).

²⁵ *Id.*

²⁶ As noted in the legislative history of the 1966 amendment to the Act, the intent of FARA (and the 1966 amendments) is “to protect the interests of the United States by requiring complete public disclosure by persons acting for or in the

of activities that if occurring in the United States and are engaged in “for or in the interests of a foreign principal,” trigger an obligation to register. 22 U.S.C. § 611(c)(1)(i-iv). To that end, the activities undertaken by Wagstaff on behalf of and for the benefit of the foreign principals noted above, constitute “political activities” and “acting as a public relations counsel, publicity agent [and] information service employee.” *Id.* at § 611(c)(1)(i-ii). Wagstaff, therefore, is an agent of a foreign principal who must register under FARA as set out below.

1. Political Activities

Agents, such as Wagstaff, who engage in activities in support of foreign government tourism bureaus are engaged in political activities by advancing the public interests of a foreign government by attempting to influence members of the United States public to spend their tourism dollars in the foreign country.²⁷ The FARA Unit has been consistent in requiring registration of entities engaged in tourism promotion for foreign government travel entities.²⁸ Wagstaff’s activities in support of various foreign government tourism bureaus are specifically designed to “influence . . . [the] public within the United States . . . with reference to the . . . public interest of a foreign country.” 22 U.S.C. § 611(o).

2. Public Relations Counsel

Wagstaff’s activities within the United States clearly establish that it is acting as public relations counsel on behalf of the foreign government tourist agencies. FARA defines “public relations counsel” to include “any person who engages directly or indirectly in informing, advising, or in any way representing a principal in any public relations matter *pertaining to the political or public interests, policies, or relations* of such principal.” 22 U.S.C. § 611(g) (emphasis added). As described above, Wagstaff has entered into agreements with at least seven foreign government tourist agencies to provide public relations services promoting tourism to the foreign governments’ countries. As noted above, such public relations services

interests of foreign principals where their activities are political in nature or border on the political.” S. Rep. No. 89-143 at 1 (1965); H.R. Rep. No. 89-1470 at 2 (1966).

²⁷ This principle has been consistently applied by the FARA Unit in its advisory opinions. *See* Adv. Op., Jan. 20, 1984 (“Tourism on behalf of [foreign government] . . . cannot be construed as private and nonpolitical activities. On the contrary, tourism creates an influx of capital and a host of jobs for the indigenous population, both of which are obviously in the political and public interests of [foreign country.]”), available at <https://www.justice.gov/nsd-fara/page/file/1046156/download>. *See also*, Adv. Op., July 19, 1988, (“promoting economic investments in the [foreign local jurisdiction] is considered ‘political activity’ as that term is defined in Section 1(o) of the Act.”), available at <https://www.justice.gov/nsd-fara/page/file/1046161/download>; Adv. Op., Oct. 27, 2021 (“[the registrants activities] . . . promote the advantages of tourism to [redacted] and . . . attempt to influence American tourists to travel to the region.” Available at <https://www.justice.gov/nsd-fara/page/file/1469971/download>).

²⁸ *See e.g.*, MMGY Global, LLC, Reg. No. 6492 (7 foreign principals); Myriad International Marketing, LLC, Reg. No. 6549 (18 foreign principals). One current registrant, Switzerland Tourism, Reg. No. 55, has been continuously registered since March 1, 1942. https://efile.fara.gov/ords/fara/f?p=1381:200:13649208383959:::RP,200:P200_REG_NUMBER:55.

promoting tourism are also considered political activities under the Act, requiring registration.²⁹

3. Publicity Agent

Wagstaff also acts within the United States as a “publicity agent” for the foreign government tourist agencies. A “publicity agent,” under FARA, includes “any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information of any kind, including publication by means of . . . broadcasts, motion pictures or otherwise.” 22 U.S.C. § 611(h). As described in the materials provided with your correspondence, Wagstaff directly and indirectly participates in the publication and/or dissemination of news items and/or the publication and/or dissemination of photographic and video products in the United States produced by their foreign principals, by engaging with media and social media outlets to disseminate promotional materials in support of tourism to countries represented by the foreign government tourist agencies.

4. Information-Service Employee

Similarly, Wagstaff’s activities within the United States establish that it is also operating as an information-service employee on behalf of the foreign government tourism agencies. FARA defines “information-service employee” to include “any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts or conditions of any country other than the United States or of any government of a foreign country.” 22 U.S.C. § 611(i). As detailed in Wagstaff’s contracts with the foreign government tourist agencies noted above, Wagstaff has agreed to provide services disseminating press releases, developing and pitching story ideas, disseminating news or press materials to U.S. media outlets, and creating and obtaining social media exposure within the United States. All of this outreach touts tourism to the foreign country destination. Acting as an information-service employee in the context of promoting tourism on behalf of the foreign government tourism agencies would also be considered political activities under the Act, requiring registration.³⁰

IV. Conclusion

For the reasons stated above, Wagstaff Media & Marketing is obligated to register under FARA as an agent of the foreign government tourist agencies discussed in this letter, for engaging in the specified activities under the Act as described above.

To be clear, registration would not require Wagstaff to alter the activities in which it currently engages. Indeed, if registered as required, Wagstaff would be free to continue to provide public relations and related services to any entity it chooses, unless otherwise

²⁹ See *supra*, n.26-28, and accompanying text.

³⁰ See *supra*, n.26-28, and accompanying text.

██████████
Wagstaff Media & Marketing

March 30, 2022

Page 9 of 9

prohibited by law. Registration would simply allow the public to be fully informed regarding the foreign influence behind Wagstaff's activities.

Please effect Wagstaff's registration within thirty (30) days of the date of this letter. Useful information and forms needed for registration may be found on our website at <https://www.justice.gov/nsd-fara>. If you have any questions regarding registration, or have additional information to provide, please contact ██████████ at (202) 233-0776, or send an email to FARA.Public@usdoj.gov.

Sincerely,

Jennifer K. Gellie

Jennifer Kennedy Gellie
Chief, FARA Unit